

## **REMARKS**

By this amendment, claims 1, 2, 4, and 5 and the specification are revised, claims 7, 6- 11 are canceled and new claims 12 and 13 are added to place this application in condition for allowance. Currently, claims 1, 2, 4, 5, 12, and 13 are before the Examiner for consideration on their merits.

In response to the objection to the specification, the appropriate headings are inserted by the amendment described above.

In the Office Action, the Examiner has raised issues of indefiniteness with respect to claim 1. It is submitted that the changes to claim 1 overcome any issues of indefiniteness and the rejection in this regard should be withdrawn. If issues of indefiniteness are the only issues remaining that prevent allowance of this application, the Examiner is invited to telephone the undersigned so that these issues can be expeditiously resolved.

Second, a substitute specification is submitted herewith to add the appropriate headings to the application.

Third, Applicants traverse the rejection of the claims in light of the revisions to claim 1 and the cancellation of claims 10 and 11.

In essence, claim 1 is revised to include the limitations of claim 7 therein. This revision moots the rejection of the claims based on Sarkinen. Therefore, the only rejection pending is that based on the combination of Freitag and Ootsuka. In this rejection, the Examiner alleged that Freitag taught all of the limitations of claims 1 and 7 but for the presence of the

man made interface. The Examiner relied on Ootsuka to contend that the use of a display on a door is known, and therefore, it would be obvious to include such on the door of Freitag.

The rejection of claim 1 is traversed on two principal grounds. First, Freitag does not include all of the other limitations of claims 1 and 7 as contended in the action. Regardless of whether Ootsuka is combined with Freitag, the claimed combination is not taught. Secondly, the combination of Ootsuka with Freitag is improper as lacking the requisite motivation required by 35 U.S.C. § 103(a). Lastly, claims 12 and 13 are separately patentable since their features are not found in the prior art.

Turning first to Freitag, claim 7 defined two panels, a first panel hinged to a second panel, and the second panel hinged to the door chassis. While Freitag discloses two panels, these panels have rollers 15 and 16 that slide in track 18. Neither panel is hinged to the cabinet, and Freitag does not teach this feature of claim 7, which is now found in claim 1. Page 1, Col. 1, lines 35-55, explain that lids can be moved, thus indicating that one is not hinged to the cabinet. Therefore, Freitag does not teach that one of the panels is hinged to the cabinet and the Examiner has not established a *prima facie* case of obviousness against claim 1 regardless of the propriety of combining Ootsuka with Freitag.

Secondly, the mere fact that Ootsuka has a man-machine interface in a door does not mean that one of skill in the art would be motivated to use

such in Freitag. Freitag teaches a cabinet for display of refrigerated merchandise, with the lid being particularly designed for each of access and keeping the lids open, see page 1, col. 1, lines 4-20. Freitag seeks to solve this problem with specially designed lids that are easily moved, but remain in place in the open position. This is accomplished by the specially configured tracks that use gravity to keep the lids in the open position. In contrast, Ootsuka teaches a liquid crystal display with memory for displaying various kinds of information on it, .e.g. a calendar, a message, a picture, see paragraph [0014]. The problem addressed by Ootsuka is the memory capability of prior art devices that are typically found on household electrical appliances such as refrigerator doors, see paragraph [0008]. Applicants submit that there would be no reason that one of skill in the art would be motivated to use the display of Ootsuka on a cabinet of the type taught by Freitag. If anything, the Examiner is engaging in hindsight to conclude that a man-machine interface would be mounted to the one panel of Freitag. The Examiner is relying on Applicants' own teachings to support the rejection rather than an objective teaching in the prior art, and this is an impermissible approach to formulate a rejection under 35 U.S.C. § 103(a).

For the above two reasons, the rejection of claim 1, as amended, should be withdrawn.

Claim 12 is separately patentable over the combined prior art since it defines a roller device and a guide device, the combination not found in

Freitag. First, claim 12 does not raise any new issues or go beyond the election of species since Figure 3 clearly discloses the combination of the roller and guide.

Turning to Freitag, this patent only uses rollers for lid movement, not a guide device as claimed. Moreover, since the rollers are essential parts of the Freitag lids so that they function in their intended manner, one of skill in the art would not use guide devices as claimed in combination with the rollers of Freitag.

Similarly, claim 13 defines the housing for the man-machine interface. The features of claim 13 are found in the specification and no new matter is introduced by its submission. Further, no such housing is found in Ootsuka, nor is there any suggestion for such a housing. Therefore, claim 13 is separately patentable over the applied prior art.

In summary, the rejection based on Sarkinen is overcome by the incorporation of claim 7 into claim 1. The rejection based on 35 U.S.C. § 112, second paragraph is overcome by the revisions to claim 1. Finally, the rejection based on Freitag and Ootsuka must be withdrawn since a *prima facie* case of obviousness is not established by these two references.

Accordingly, the Examiner is requested to examine this application in light of this amendment and pass all pending claims onto issuance.

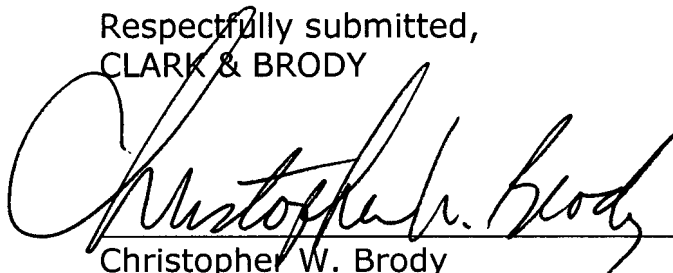
If the Examiner believes that an interview with Applicants' attorney would be helpful in expediting allowance of this application, the Examiner is respectfully requested to telephone the undersigned at 202-835-1753.

The above constitutes a complete response to all issues raised in the Office Action dated November 1, 2006.

Again, reconsideration and allowance of this application is respectfully requested.

A petition for a three month extension of time is hereby made. A check in the amount of \$1,020.00 is enclosed. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,  
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